

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Court No. 05-11590-GAO-
	)	
KENNETH F. KOMENDA,	)	
	)	
Defendant.	)	

**UNITED STATES' MOTION FOR DEFAULT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter a default against the defendant, Kenneth F. Komenda (hereinafter "Komenda"), for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Komenda is indebted to the United States for the principal amount of \$18,821.85; plus \$3,087.31 accrued interest; plus costs. The total balance as of December 30, 2005 is \$21,909.16.

2. The submitted affidavit of Tricia L. Desingco, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes Komenda's failure to plead to the complaint.

WHEREFORE, the United States moves this Court to enter a default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Komenda for failing to plead to, or otherwise defend, the complaint in the above captioned action.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

Dated: December 30, 2005

**CERTIFICATE OF SERVICE**

Suffolk, s.s.

Boston, MA

I hereby certify that on this day, I served a copy of the foregoing by mailing to Kenneth F. Komenda at 119 Ocean Ave., Hyannis, MA 02601.

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

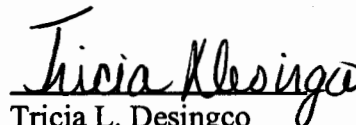
UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 KENNETH F. KOMENDA, )  
 )  
 Defendant. )

Court No. 05-11590-GAO-

**AFFIDAVIT SUPPORTING UNITED STATES' MOTION FOR DEFAULT**

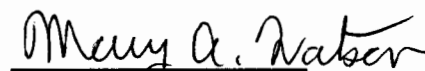
I, Tricia L. Desingco, state under oath that:

1. I am a Paralegal with the United States Attorney's Office Financial Litigation Unit located in Boston, Massachusetts.
2. In that capacity, I process and maintain debt collection cases, including the case of Kenneth F. Komenda (hereinafter "Komenda"). I am also the custodian of the records for such cases.
3. Komenda was served, according to the return of service, with a summons and complaint on October 25, 2005 at 119 Ocean Ave., Hyannis, MA 02601. See attached exhibit "A". As of December 30, 2005, Komenda has not served on the United States Attorney an answer, or other responsive pleading, to the complaint in the above captioned action.

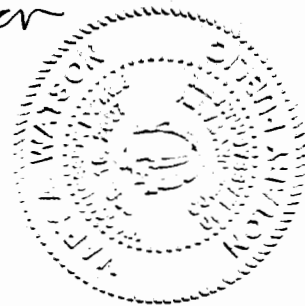
  
Tricia L. Desingco  
Paralegal

Date: December 30, 2005

Signed and sworn to before me at Boston, Massachusetts, on this 30 day of Dec, 2005.

  
Notary Public

My commission expires: 2/16/07



EXHIBIT

tabbies

A

U.S. Department of Justice  
United States Marshals Service

## PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF	United States of America		COURT CASE NUMBER	1:05-cv-11590-GAO
DEFENDANT	Kenneth F. Komenda		TYPE OF PROCESS	Summons + Complaint
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN			
AT	Kenneth F. Komenda			
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)			
	119 Ocean Ave, Hyannis, MA 02601			

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285	
Tricia Desjardis U.S. Attorney's Office Financial Litigation Unit One Courthouse Way - Suite 9200 Boston, MA 02210	Number of parties to be served in this case	1
	Check for service on U.S.A.	1

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please make service prior to October 31, 2005.  
Please note that the address listed above is the Cape Cod Harbor House Inn. The Inn is owned and managed by Kenneth Komenda. He works at this location.  
The Inn #1-800-211-5551

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
Tricia Desjardis		617-748-3308	10/19/05

## SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 38	No. 38	[Signature]	10/25/05

I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Sonya Coelho (Clerk office)	
Address (complete only if different than shown above)	Date of Service
	11/8/05 11:25 am
	Signature of U.S. Marshal or Deputy
	[Signature]

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
135.00	53.29		188.29			

REMARKS:

PRIOR EDITIONS  
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)